

22522. Adulteration of apple butter. U. S. v. 55 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32535. Sample no. 60828-A.)

This case involved an interstate shipment of apple butter that contained arsenic and lead in amounts that might have rendered it injurious to health.

On or about April 12, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 cases, each containing six cans of apple butter, at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about March 1, 1934, by the Pacific Northwest Canning Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Paul's Skookum Apple Butter Distributories, Pacific Northwest Canning Co."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On May 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22523. Adulteration of olives. U. S. v. 13 Cases and 10 Cases of Olives. Default decree of condemnation and destruction. (F. & D. no. 32437. Sample nos. 61925-A, 62026-A.)

Samples of olives taken from the shipment involved in this case were found to be wormy.

On March 27, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of olives at Jackson, Miss., alleging that the article had been shipped in interstate commerce, on or about May 20, 1933, by Leverton & Co., from Houston, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "World Over Brand Olives * * * Imported and Packed by Leverton and Company, Houston, Texas."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On May 11, 1934, no claimant having appeared for the property, judgment was entered condemning the property and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22524. Adulteration of canned tomato puree. U. S. v. 11 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32446. Sample no. 67389-A.)

This case involved an interstate shipment of canned tomato puree which contained excessive mold.

On March 29, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of tomato puree at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 3, 1932, by Marysville Packing Co., from Marysville, Ind., and charging adulteration in violation of the Food and Drugs Act as amended. The article was labeled in part: "B. & O. Brand Puree of Tomatoes * * * Packed by Marysville Packing Co., Marysville, Indiana."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22525. Adulteration of canned prunes. U. S. v. 198 Cases and 94 Cases of Canned Prunes. Decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32324, 32464. Sample nos. 41307-A, 54778-A, 56443-A, 67270-A.)

These cases involved shipments of canned prunes that were found to be in part decomposed.

On March 19 and March 29, 1934, the United States attorneys for the Southern District of New York and the District of Minnesota, acting upon reports by the

Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 198 cases of canned prunes at New York, N. Y., and 94 cases of canned prunes at St. Paul, Minn., alleging that the article had been shipped in interstate commerce, by Paulus Bros. Packing Co., from Salem, Oreg., the former on or about February 1, 1934, and the latter on or about February 16, 1934, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Blue Tag [or "White Tag"] Fresh Oregon Prunes * * * Paulus Bros. Packing Co., Salem, Oregon."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 14, 1934, no claimant having appeared in the case instituted in the District of Minnesota, judgment was entered ordering that the product be destroyed. On May 21, 1934, the claimant having consented to the entry of a decree in the remaining case, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22526. Misbranding of tomato soup. U. S. v. 41 Cases of Tomato Soup. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32466. Sample no. 66591-A.)

Sample cans of soup taken from the shipment involved in this case were found to contain less than 1 pound and 11 ounces, the labeled weight.

On April 2, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 cases of tomato soup at Denver, Colo., consigned by the Ladoga Canning Co., alleging that the article had been shipped in interstate commerce on or about March 1, 1934, from Ladoga, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ladoga Brand Tomato Soup. Contents 1 lb. 11 oz. Packed by Ladoga Canning Co. Main Office Indianapolis, Indiana."

It was alleged in the libel that the article was misbranded in that the statement "1 lb. 11 oz.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On May 29, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

22527. Misbranding of canned spinach. U. S. v. 124 Cases of Canned Spinach. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32471. Sample no. 66592-A.)

Sample cans of spinach taken from the shipment involved in this case were found to contain less than the labeled weight.

On April 2, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 cases of canned spinach at Denver, Colo., consigned by the California Sanitary Co., Ltd., Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about February 7, 1934, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Solitaire Spinach, Net weight 6 Lb. 4 Oz., 2.83 Kilograms."

It was alleged in the libel that the article was misbranded in that the statements, "Net Weight 6 lb. 4 oz.—2.83 Kilograms", were false and misleading. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 15, 1934, the Morris Bros. Brokerage Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*